

REMARKS

Claims 1-29 are presently pending in this application. By this amendment, claims 1-2, and 21 have been amended. Claims 3-20, and 22-29 have been cancelled without prejudice and new claims 30-33 have been added. Applicants acknowledge the Office's acknowledgment of the Information Disclosure Statement filed on June 28, 2005. Reconsideration of the subject patent application and allowance of the claims are respectfully requested in view of the foregoing amendments and following remarks.

Claim Objections:

The Examiner has objected to claims 1, 2 and 21 because the recitation of "isolated protein," "protein according" and "pharmaceutical composition" require either "An," "The" or "A." Claims 1, 2 and 21 have been amended and should now overcome the objection. Applicants respectfully request that the objection on this basis be withdrawn.

Claim Rejections Under 35 USC §112:

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite and vague in the recitation of "substantially the same amino acid sequence." The Examiner argues that it is unclear how similar to SEQ ID NO:1, a sequence needs to be encompassed by the phrase "substantially the same amino acid sequence."

In an effort to expedite prosecution of this application, claim 1 has been amended to further clarify the language of the claim. Applicants respectfully request that the rejection on this basis be withdrawn.

Claims 1-2 and 21 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which is not described in the specification in such a way to reasonably convey to one skilled in the art that the invention had possession of the claimed invention at the time the application was filed. More specifically, the Examiner argues that the specification does not contain any disclosure of the function of all proteins substantially the same as SEQ ID NO:1 or a splice variant or a salt thereof.

In an effort to advance the prosecution of the application, claims 1-2 and 21 have been amended. Applicants submit that in view of the amended claims 1 and 2 and 21, the rejection should be withdrawn.

Claims 1-2 and 21 were also rejected under 35 U.S.C. §112, first paragraph for lack of enablement for any protein substantially the same as SEQ ID NO:1 or any splice variant of SEQ ID NO:1 or all fragments of SEQ ID NO:1. In an effort to expedite the prosecution of this application, claims 1-2 and 21 have been amended. Applicants submit that in view of amended claims 1 and 2 and 21, the rejection should be withdrawn.

Claim Rejections Under 35 USC §102:


Claims 1-2 and 21 were rejected under 35 U.S.C. §102(a) as being anticipated by Bräuer et al. because the Examiner argues Bräuer discloses a new membrane-associated lipid phosphate phosphatase which is about 99% identical to SEQ ID NO:1.

Claims 1-2 were also rejected under 35 U.S.C. §102(a) as being anticipated by Strausberg et al. for disclosing a human protein isolated from human brain, which is 98% identical to the protein of SEQ ID NO:1.

Applicants submit that the Bräuer and Strausberg references should be removed as prior art. The amino acid and nucleic acid sequences of hPRG-I (SEQ ID NO:1) were disclosed in the priority application filed September 13, 2002 (EP 02020679.3). The September 13, 2002 priority date is before the June 2003 Bräuer publication and the June 1, 2003 Strausberg database entry. Therefore, Applicants request that the rejection in view of these references be withdrawn.

Finally, claims 1-2 were rejected under 35 U.S.C. §102(b) as being anticipated by Isogai et al. for disclosing a human protein sequence isolated from human brain, which is 77% identical to SEQ ID NO:1. Claims 1-2 and 21 as amended should overcome this rejection. Furthermore, there is no evidence of neuronal activity in Isogai. Therefore, Applicants request that the rejection on this basis be withdrawn.

In view of the above remarks, Applicants submit that the present application is now in condition for allowance. Reconsideration and favorable action are requested. The Examiner is invited to telephone the undersigned to expedite allowance of this application.

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